

**Racial Impact Statement for HF2557:  
Public Safety Personnel Protection Act  
Minnesota Sentencing Guidelines Commission  
March 22, 2016**

By providing the following information on race, the Sentencing Guidelines Commission (MSGC) seeks to enrich the discussion on how racial minorities in Minnesota are affected by changes in sentencing policy. If a significant racial disparity can be predicted before a bill is passed, it may be possible to consider alternatives that enhance public safety without creating additional disparity in Minnesota's criminal justice system. Just as with the fiscal impact notes, the agency does not intend to comment on whether a particular bill should be enacted. Rather, it is setting out facts that may be useful to the Legislature, whose members frequently express concerns about the disparity between the number of minorities in our population and the number in our prisons.

According to the 2010 U.S. Census (the most recent census data available), 86.1 percent of Minnesotans 18 years of age or older were white. The remaining 13.8 percent were: 4.3 percent black; 3.7 percent Hispanic; 3.7 percent Asian; 1 percent American Indian; and roughly 1.2 percent who identify themselves with two or more races or another race. (Figure 1-Bar 1.)

By comparison, 2014 MSGC monitoring data show the following racial make-up of the felony offender population: 58.5 percent white; 25.8 percent black; 5.0 percent Hispanic; 2.7 percent Asian; and 8.0 percent American Indian. (Figure 1-Bar 2.) Racial disparities may therefore be said to exist in Minnesota's black, Hispanic, and American Indian felony offender populations.

According to the Minnesota Department of Corrections, the racial composition of the prisons on January 1, 2016, was as follows: 46.4 percent white; 35.5 percent black; 6.3 percent Hispanic; 2.6 percent Asian; and 9.2 percent American Indian. (Figure 1-Bar 4.) Racial disparities may therefore be said to exist in Minnesota's black, Hispanic, and American Indian prison populations.

**Bill Description**

This bill expands the responders covered in the offense of obstructing legal process, arrest or firefighting. It establishes a 24-month mandatory minimum for the existing felony offense and creates a new felony offense, with a 12-month mandatory minimum, for what are now misdemeanor and gross misdemeanor offenses.

**Racial Disparity Impact**

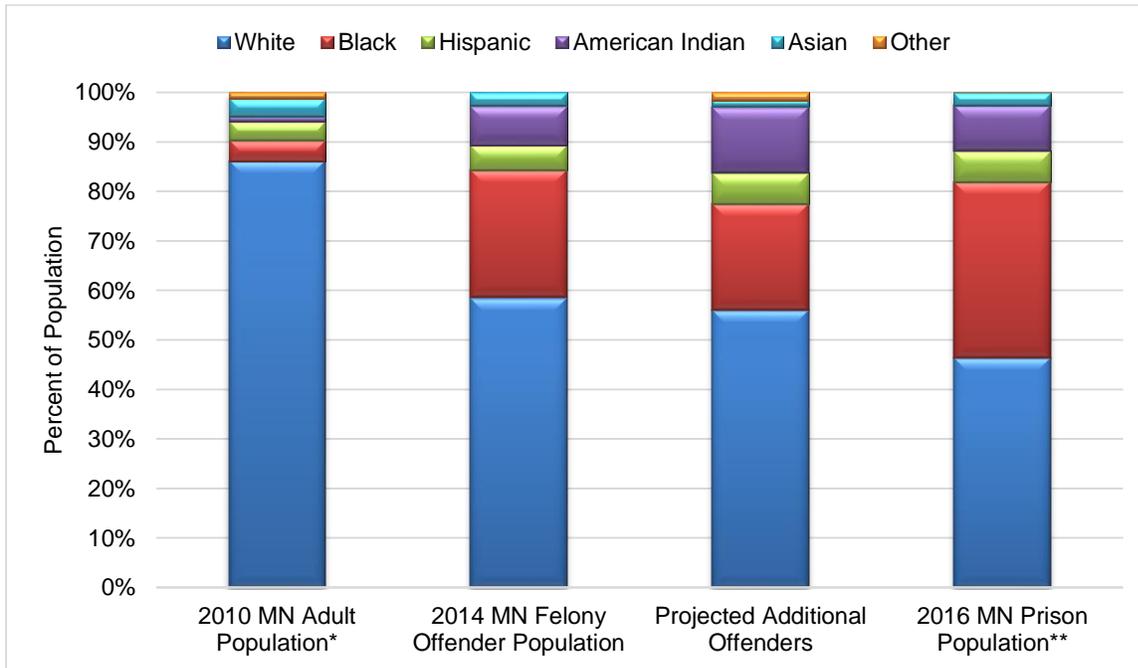
If enacted, the bill will result in an increase in the number of offenders sentenced for felonies and an increase the number of offenders receiving an either an executed prison sentence or a jail sentence. To estimate the racial impact, MSGC assumes that the racial distribution of offenders sentenced for the new felony-level obstruction will be similar to the racial distribution of offenders currently sentenced for the misdemeanor/gross misdemeanor obstruction offense, according to data received from the Judicial Branch. Of the expected additional offenders receiving felony sentences if this bill is enacted, 56.1 percent are expected to be white, 21.4

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percent are expected to be black, 6.2 percent are expected to be Hispanic, 1.3 percent are expected to be Asian offenders, and 13.4 percent are expected to be American Indians. (Figure 1-Bar 3.) Due to a lack of data regarding the criminal histories of the additional offenders receiving felony sentences, the racial distribution of the prison beds projected to be newly occupied is not estimated.

Compared to the racial disparities now existing in Minnesota’s felony populations, it appears the bill, if enacted, will exacerbate the existing racial disparity of the felony offender population for American Indian offenders and, to a lesser extent, Hispanic offenders. Any exacerbation of racial disparities within the prison population is not estimated.

**Figure 1. 2010 MN Census, 2014 Felony Offenders, and 2016 Prison Population Compared to Projected Additional Felony Offenders**



\* U.S. Census Bureau; Census 2010, Summary File 1, Table 11; generated by Sarah Welter, Kathleen Madland, and Jill Payne (November 2013).

\*\* D. Kerschner (communication to Anne Wall, March 22, 2016). *Adult Inmate Population as of 1/1/2016*. Department of Corrections.